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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,403	02/28/2002	Susan Kay Cleveland	700.401	5338

7590

10/06/2003

The Law Office of Debra J. Fickler
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EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,403

Applicant(s)

CLEVELAND ET AL.

Examiner

Boyer D. Ashley

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-- Th MAILING DATE of this communication app ars on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, the phrase "covering a piping material with a piping trimming tool" is confusing, in that, it is not clear how the piping material is covered with a trimming tool while at the same time referring to a holding device on line 4. What is the difference between covering the piping material with a piping trimming tool and the positioning the portion of the material in a holding device? Isn't the holding device the trimming tool? How does the trimming tool (28) cover the piping material.

In claim 2, the expressions "a portion ... material" and "a holding device" appear to be double inclusions of the portions and holding devices set forth in claim 1.

In claim 3, the expressions "a section ... material", "a fabric", "a cording", and "a holding device" appear to be double inclusions of the sections, fabric, cording, and holding devices set forth in claims 1 and 2.

In claim 4, the expressions "a piping material", "a piping trimming tool" appear to be double inclusions of the piping material and trimming tool set forth in claim 1.

In claims 5 and 6, the expression "a cutting guide surface" appears to be a double inclusion of the guide surface set forth in claim 1.

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In claim 7, the expression "a salvage material" appears to be a double inclusion of the guide surface set forth in claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Beller, U.S. Patent 4,979,413.

Beller discloses the same invention as claimed including, for example, covering a piping material with a piping-trimming tool (see Figure 1 wherein it is shown that a piping material is covered by a tool; positioning a first portion of the piping material in a holding device (40/41); cutting the piping material next to a cutting guide surface (42/38/36) and removing a salvage material (see Figure 1).

As to claim 3, the holding device includes a rectangular channel (see Figure 1).

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo, U.S. Patent 4,625,464.

Kubo discloses the same invention as claimed including, for example, covering a piping material with a piping-trimming tool (see Figure 15 wherein it is shown that a piping material is covered by a tool); positioning a first portion of the piping material in a holding device (7,2b); cutting the piping material next to a cutting guide surface (32) and removing a salvage material (see Figure 1) by using a rotary tool (40).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Mitchell.

McCormick discloses the invention substantially as claimed including a covering a working with a trimming tool (see Figure 1), positioning a first portion of the workpiece in a holding device the surface under the guide 16 adjacent channel (20), and cutting the piping material next to blade guide surface by using a rotary tool. However, McCormick is for cutting quilting pieces not piping material. Mitchell discloses that it is old and well known in the art to cut piping material for the purpose of providing specific lengthed section depending upon the amount needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the McCormick device for cutting piping material in order to obtain specific amounts of piping material.

8. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beller in view of Hanson et al.

Beller discloses the invention substantially as claimed except for: a transparent body; however, Hanson et al. discloses that it is old and well known in the art to use transparent bodies (plastic) with cutting tools for the purpose of facilitating accurate

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cutting of the workpiece. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make the device of Beller out of transparent material in order to facilitate cutting of the workpiece.

9. Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCormick in view of Hanson et al.

McCormick discloses the invention substantially as claimed including a covering a working with a trimming tool (see Figure 1), positioning a first portion of the workpiece in a holding device the surface under the guide 16 adjacent channel (20), and cutting the piping material next to blade guide surface by using a rotary tool. However, McCormick lacks a transparent body. Hanson et al. discloses that it is old and well known in the art to use transparent bodies (plastic) with cutting tools for the purpose of facilitating accurate cutting of the workpiece. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to make the device of Beller out of transparent material in order to facilitate cutting of the workpiece.

As to claim 14-17, it should be noted that in apparatus claims the specific type workpiece does not serve to distinguish the claimed invention from the prior art. Moreover, the modified device of McCormick is fully capable of cutting a corded encased by fabric piping material.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink, appearing to read 'Boyer Ashley'.

Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA

September 4, 2003